

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CERTAINTEED CORPORATION,

Plaintiff,

VS.

MODERN PRODUCTS INDUSTRIES,
INC. and ROY THEIN,

Defendants.

CIVIL ACTION NO.
03-CV-2131 (PBT)

ORAL VIDEOTAPED DEPOSITION OF ROY L. THEIN

October 25, 2004

1 A P P E A R A N C E S:

2

3 APPEARING FOR PLAINTIFFS:

4 DUANE MORRIS LLP
5 BY: MR. ANTHONY J. FITZPATRICK
6 470 Atlantic Avenue, Suite 500
7 Boston, Massachusetts 02210
8 (617) 289-9220

8 APPEARING FOR DEFENDANTS:

9 GUNN & LEE, P.C.
10 BY: MR. JOHN C. CAVE
11 700 N. St. Mary's Street, Suite 1500
12 San Antonio, Texas 78205
13 (210) 886-9500

13 ALSO PRESENT:

14 MR. ROY L. THEIN,
15 the Witness;

16 MR. MORRIS G. HANEY;

17 MR. LOUIS SOUCIE,
18 Videographer;

19 MS. SHIRLEY J. MORRISON
20 Certified Shorthand Reporter
21 in and for the State of Texas.

22 * - * - * - * - * - * - * - *

23

24

25

1 the starting torque of a pump will tend to work on
2 the plastic or steel either, as far as that goes, but
3 it's not unusual to have a coupling snap on male-
4 both-end threads in the well, and that happens with
5 some regularity. It's not all that common that it
6 would cause them to stop using it, but that would
7 cause you to need to pull the pump. You could have a
8 check valve that failed to close and that could cause
9 it. That isn't a very regular or often thing, but it
10 does happen occasionally.

11 Q. Now, you also indicated in addition to
12 the -- the issue of the strength of this
13 connection -- let me -- let me ask you a different
14 question.

15 Why is it -- I understand the issue of
16 the -- the cold-line weakness with the plastic
17 coupling. Is that the reason why the male-female
18 connection is stronger, simply because there's not
19 an -- an injection molding cold line?

20 A. There are -- I'd say that's not the only
21 reason, but predominantly that's the reason. Now,
22 they do make a machined PVC coupling that they use.
23 It's rather expensive because it's made from PVC pipe
24 and it's machined on a lathe similar to the method of
25 putting threads on the pipe, and those couplings are

1 what --

2 A. It solves problems what?

3 Q. For installers.

4 A. Well, the -- it -- it speeds up the
5 installation in that they don't have the necessity to
6 put couplings on and -- and dope up another fitting.
7 The -- so the speed of installation, and that would
8 probably -- and -- and of course less leaks as a
9 result because you have one less joint. So that
10 would be ease of installation as a result of not
11 needing, like I say, to install couplings. The -- if
12 you have a 500-foot installation and you have 25
13 joints of pipe, that means you've got to dope and put
14 on 25 couplings and tighten it, and so you spend 30
15 minutes or an hour before you ever start the
16 installation with that type of pipe. And so that is
17 an inconvenience and a burden on the installer that
18 they don't incur with this type of pipe, with the
19 Shur-Align. And one less joint to leak because you
20 don't have two threads on a coupling.

21 Q. When a male both ends with a coupling pipe
22 is removed for whatever reason, it -- assuming that
23 it -- that the -- the couplings are unscrewed for
24 each --

25 A. Right.

1 saying that if you didn't have the alignment
2 collar --

3 A. Right.

4 Q. -- the connection you'd have would still be
5 stronger laterally than a thread at both ends with a
6 coupling?

7 A. Right.

8 Q. Have you done any testing on that?

9 A. I would say yes. As we worked out the
10 alignment collar and the length of it and so forth,
11 we would have played with that in-plant, in-house.
12 But -- and also the -- if you think back in the
13 earlier conversations, the cold joint on a coupling
14 tends to make it weaker than -- than the same
15 coupling in extruded pipe. And so just by the nature
16 of how the coupling is formed makes it stronger in
17 extruded pipe than it does injection-molded --
18 injected-molding couplings. So it -- but it evolved
19 we wanted the strongest product we could get, so we
20 went to the alignment collar.

21 Q. So it's the alignment collar that gives the
22 additional lateral strength. Is that correct?

23 A. That's right.

24 Q. Now, the -- so -- so if you didn't have the
25 alignment collar, you'd still have some lateral